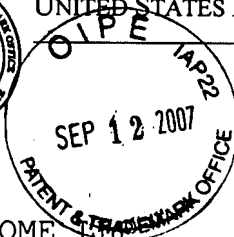




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OFFICE OF PETITIONS

In re Application of :  
Banister, Peterson, and Moore : DECISION ACCORDING STATUS  
Application Number: 10/717441 : UNDER 37 CFR 1.47(a)  
Filing Date: 11/18/2003 :  
For: METHOD OF ELECTRONIC :  
MESSAGE DELIVERY WITH PENALTIES :  
FOR UNSOLICITED MESSAGES :

This is in response to the petition under 37 CFR 1.47(a), filed on 16 August, 2004.

The Office apologizes for the delay in responding to the present petition.

The petition is GRANTED.

Petitioners have shown that the non-signing inventor could not be located despite diligent efforts. Specifically, petitioners have established, via the declaration of registered patent practitioner Christopher J. Palermo, that a copy of the application papers sent to the then-current last known address to of the non-signing inventor was returned as unclaimed. Efforts were also made to contact the non-signing inventor by telephone.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the

address given in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The address in the petition is different than the correspondence address. A copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

The application is being referred to the Office of Patent Publications for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

Cc:

HICKMAN PALERMO TRUONG & BECKER  
1600 WILLOW ST  
SAN JOSE CA 95125-5106

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Scott Banister  
607 Farallon Avenue  
Pacifica CA 94044

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**OFFICE OF PETITIONS**

In re Application of  
Banister et al.

Application No. 10/717,441

Filed: 18 November, 2003

For: METHOD OF ELECTRONIC MESSAGE DELIVERY WITH PENALTIES FOR UNSOLICITED MESSAGES

Dear Mr. Banister:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

BLANK ROME LLP  
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WASHINGTON DC 20037

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